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Order 2002-8-22

Served: August 28, 2002



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation
on the 23rd day of August, 2002

Essential Air Service at

SALINA, KANSAS

Under 49 U.S.C. 41731 *et seq.*

Docket OST-2002-11376- 36

ORDER EXTENDING SERVICE OBLIGATION

Summary

By this order, the Department of Transportation is extending Air Midwest, Inc., d/b/a US Airways Express's (Air Midwest) service obligation at Salina, Kansas, for another 30 days, through September 23, 2002.¹

Background

On January 23, 2002, Air Midwest filed a 90-day notice of its intent to suspend its unsubsidized service at Salina, Kansas, effective April 24, 2002. By Order 2002-3-31, March 29, 2002, the Department prohibited Air Midwest from suspending service at Salina for 30 days beyond the end of its 90-day notice period, and requested proposals from carriers interested in providing replacement service. As required by 49 U.S.C. 41734, we have extended Air Midwest's service obligation for additional 30-day periods, the latest through August 23, 2002, by Order 2002-7-13.

Although Air Midwest has submitted a proposal, this case will not be completed before the end of the current 30-day hold-in period. Thus, in accordance with 49 U.S.C. 41734(c), we will extend Air Midwest's service obligation at Salina for an additional 30 days, or until replacement service actually begins, whichever occurs first.

This order is issued under authority assigned in 14 CFR 385.12(k)(5).

ACCORDINGLY,

1. We require Air Midwest, Inc., d/b/a US Airways Express, to maintain essential air service at Salina, Kansas, consisting of at least three nonstop or one-stop round trips each weekday and weekend to Kansas City, Missouri, for an additional 30-day period through

¹ Since September 22nd is a Sunday, this hold-in period will end on Monday, September 23rd. (See 14 CFR 302.08)

September 23, 2002, or until a carrier capable of providing reliable replacement service actually begins service, whichever occurs first;²

2. We direct Air Midwest, to retain all books, records, and other source and summary documentation to support subsidy claims for payment, and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of must be retained. The carrier may forfeit its compensation for any claim that is not supported under the terms of this order;

3. Docket OST-2002-11376 will remain open until further order of the Department; and

4. We will serve a copy of this order on the Mayor and Airport Manager of Salina, the Governor of Kansas, the Kansas Department of Transportation, Aviation Division, and Air Midwest, Inc.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, must file such petitions within ten (10) days after the date of service of this order.

This order will be effective immediately, and the filing of a petition for review shall not preclude its effectiveness.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

² In accordance with 49 U.S.C. 41734(c), we will extend Air Midwest's service obligation for successive 30-day periods as necessary until replacement service actually begins.